

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
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FM AMEMBASSY ISLAMABAD
TO SECSTATE WASHDC PRIORITY 6466
INFO AMEMBASSY DACCA
AMCONSUL KARACHI
AMCONSUL LAHORE
AMEMBASSY TEHRAN
AMEMBASSY NEW DELHI

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E.O. 11652: GDS
TAGS: PIN, PGOV, SHUM, PK
SUBJECT: ARRESTS AND DETENTIONS: NUMBERS, CONDITIONS, AND
QUALIFICATIONS

REF: A) STATE 072819, B) ISLAMABAD A-33,
C) ISLAMABAD A-31, D) ISLAMABAD 77 12019

1. QUESTIONS POSED BY REFTEL ARE NOT EASY TO ANSWER,
MAINLY BECAUSE OF THE LACK OF VERIFIABLE INFORMATION ON
THE SUBJECT: THE INCOMPLETENESS OF THAT INFORMATION WHICH
DOES EXIST, AND THE BIASES OF ALMOST ALL SOURCES, IN OR
OUT OF GOVERNMENT.BEYOND A TINY HANDFUL OF OFFICIALS,
WE SERIOUSLY DOUBT THAT THERE IS ANYONE IN THE MARTIAL
LAW ADMINISTRATION (MLA) WITH A COMPLETE GRASP OF DETAIL
OF THIS SUBJECT. RESULT IS THAT WHATEVER WE SAY -- BASED
ON OUR OWN OBSERVATION AND ON TIMELY AND THOUGHTFUL INPUTS
FROM CONSTITUENT POSTS -- HAS A LARGE POTENTIAL MARGIN
OF ERROR; IT IS OUR BEST ESTIMATE BASED ON THOE FACTS
WE CAN BELIEVE, REFINED BY OUR "FEEL" FOR THE SITUATION
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NOW UNFOLDING IN PAKISTAN AND THEN DELIBERATELY INFLATED
BY A FACTOR OF TWO IN ORDER TO ACCOUNT FOR ERRORS AND
LAPSES IN REPORTING AS WELL AS TO COMPENSATE FOR THE
WEIGHT OF OFFICIAL BIAS, WHICH TENDS TO MINIMIZE.

2. MOST OF THE ARRESTS AND DETENTIONS NOW BEING REPORTED
BY THE WIRE SERVICES HAVE OCCURED SINCE 1 MARCH WHEN

MARTIAL LAW ORDER 33 BANNED ALL POLITICAL ACTIVITY FOR THE MONTH OF MARCH -- IN ANTICIPATION OF VIOLENCE FOLLOW- THE THEN-PENDING LAHORE HIGHCOURT'S DECISION ON THE MURDER CASE AGAINST FORMER PRIMIN BHUTTO AND FOUR ACCOMPLICES. AND MOST OF THOSE DETAINED SINCE 1 MARCH WOULD BE GROUPED NOMINALLY AS MEMBERS OR SUPPORTERS OF THE PAKISTAN PEOPLES PARTY (PPP) OF THE FORMER PRIMIN.

3. SOME OF THE DETENTIONS HAVE RESULTED FROM INFRACTIONS OF OTHER MARTIAL LAW ORDERS OR REGULATIONS (E.G. MLR-4, MLR-7, MLR-8, MLR-9, MLR-11, MLR-12, MLR-17, AND MLR-24; PLEASE SEE REFS B AND C FOR FURTHER INFORMATION ON THESE REGULATIONS). A HIGH PERCENTAGE OF THOSE ARRESTED UNDER ONE OF THESE SPECIFIC REGULATIONS HAS BEEN BROUGHT TO WIFT TRIAL BY MILITARY COURTS. IN KEEPING WITH THE MLA'S CLEARLY EXPRESSED, IF STERN, PHILOSOPHY, PUNISHMENT HAS BEEN USUALLY A BLEND OF MONTHS, UP TO A YEAR, OF "RIGOROUS IMPRISONMENT" (I.E. HARD LABOR) AND/OR FLOGGING (FROM 5 TO 15 LASHES).

4. CAPITAL PUNISHMENT, IT SHOULD BE NOTED, IS NOT PROVIDED FOR UNDER THESE VARIOUS MARTIAL LAW REGULATIONS; MOST RECENT EVIDENCE OF CAPITAL PUNISHMENT IN PAKISTAN WAS THE PUBLIC HANGING IN LAHORE RECENTLY OF THREE CONVICTED RAPISTS. CHOPPING OFF THE HAND, A PUNISHMENT RESERVED FOR REPEATED ACTS OF THIEVERY, HAS NOT YET

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OCCURRED IN PAKISTAN TO THE BEST OF OUR KNOWLEDGE AND, IN ANY EVENT, IS RESERVED FOR CRIMINAL NOT POLITICAL OFFENSES (SEE REF D).

5. IT WOULD BE A MISTAKE, HOWEVER, TO ASSUME THAT ALL THOSE ARRESTED AND CHARGED WITH VIOLATING MARTIAL LAW REGULATIONS ARE POLITICAL FIGURES, EDITORS, OR STUDENTS. IN EVERY PAKISTANI CITY THE STREET POPULATION INCLUDES GOONDAS, UNSAVORY TOUGHS AVAILABLE FOR HIRE TO THE HIGHEST BIDDER, POLITICAL OR CRIMINAL. THESE TOUGHS -- FREQUENT INMATES IN PAKISTANI JAILS -- ARE ALSO AMONG THOSE INCLUDED IN THE ARREST AND CONVICTION TOTALS FOR THE ROLES THEY HAVE PLAYED IN DEMONSTRATIONS.

6. BEYOND THOSE CHARGED WITH SPECIFIC VIOLATIONS OF MARTIAL LAW ORDERS OR REGULATIONS, THERE IS ANOTHER FLOATING JAIL CONTINGENT DETAINED UNDER PAKISTAN'S LONG-STANDING MAINTENANCE OF PUBLIC ORDER ORDINANCE, WHICH PERMITS PREVENTIVE DETENTION. THIS FORM OF INCARCERATION ACCOUNTS FOR THE LARGEST SINGLE GROUPS OF DETAINEES NOW IN GOVERNMENT HANDS; DETAINEES ARE KEPT IN JAIL OR PLACED UNDER HOUSE ARREST FOR PERIODS OF SEVERAL

DAYS TO SEVERAL WEEKS. BEGUM BHUTTO IS ONE OF THESE. ORDINARY DETAINEES ARE PICKED UP AND RELEASED WITH LITTLE OR NO FANFARE, AND KEEPING TRACK OF WHO IS IN AND WHO HAS BEEN RELEASED IS VIRTUALLY IMPOSSIBLE, GIVEN THE NUMBER OF SEPARATE JURISDICTIONS THROUGHOUT THE COUNTRY AND THE LIMITS OF OUR OWN RESOURCES. DETAINEES, WHILE OCCASIONALLY INCLUDING THUGS AS WELL, ARE PRIMARILY POLITICAL FIGURES, AND THE GOVERNMENT'S INTENTION IN DETAINING THEM HAS BEEN TO RENDER THE PPP LEADERLESS, DOWN TO THE FOURTH OR FIFTH ECHELON, DURING THIS MONTH OF MARCH (AS WAS DONE BRIEFLY ALSO TO NIP A PPP EFFORT TO CREATE NATIONWIDE DEMONSTRATIONS ON 5 JANUARY 1978.)

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7. COMPOUNDING OUR EFFORTS TO KEEP TRACK OF THESE DETAINEES ARE, OF COURSE, GOVERNMENT ANNOUNCEMENTS -- WHICH WE HAVE LITTLE CAUSE TO DOUBT -- OF SUMMARY RELEASES, SUCH AS THE RECENT FIGURES OF THE NUMBER OF PRISONERS LET LOOSE IN BALUCHISTAN SINCE 5 JULY LAST YEAR OR THE EARLIER WIDESPREAD PUBLICITY GIVEN TO THE FIGURE OF 11,000, PURPORTEDLY THE NUMBER OF PRISONERS THIS REGIME RELEASED NATIONWIDE BETWEEN 5 JULY 1977 AND DECEMBER 29, 1977. IT WAS THIS GRADUAL POLICY OF PRISONER RELEASE WHICH GAVE PAKISTAN A RELATIVELY GOOD HUMAN RIGHTS RECORD IN THE MONTHS FROM JULY 1977 ONWARD AND AGAINST WHICH THE TEMPORARY INCREASE IN THE PRISON POPULATION SHOULD BE MEASURED.

8. HAVING SAID ALL OF THAT, WE RECKON THAT THERE ARE NOW SOMETHING APPROACHING TWO THOUSAND PAKISTANIS UNDER ONE FORM OR OTHER OF INCARCERATION WHO WERE FREE MEN AND FREE WOMEN A MONTH AGO. WE ESTIMATE THAT ALL BUT A FEW HUNDRED OF THESE ARE IN THE CATEGORY OF TEMPORARY DETAINEES BEING HELD, AS IS THE SOUTH ASIAN CUSTOM,

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WITHOUT BAIL, WITHOUT CHARGES, AND WITHOUT THE BENEFIT OF COUNSEL. WE ESTIMATE FURTHER THAT MOST OF THESE WILL BE RELEASED -- MANY HAVE BEEN IN AND OUT A NUMBER OF TIMES -- THE MOMENT THE REGIME FEELS CONFIDENT THEY WILL NOT FOMENT VIOLENCE AND DEMONSTRATIONS IN THE STREETS ON BEHALF OF FORMER PRIMIN BHUTTO OR THE PPP; THAT COULD BE A MATTER OF WEEK, OR IT COUL MEAN INCARCERATION FOR MANY UNTIL AFTER THE BHUTTO SENTENCE, WHATEVER IT IS EVENTIALLY, IS CARRIED OUT.

9. FINALLY, WE HAVE REPORTED, ON A NUMBER OF OCCASIONS, ON PRISON CONDITIONS AS WE UNDERSTAND THEM. IMPORTANT PRISONERS TEND TO GET WHAT SOUTH ASIANS REFER TO AS "CLASS A" TREATMENT, A RELIC OF THE TREATMENT GIVEN INDEPENDENCE LEADERS BY THE BRITISH AND DECIDEDLY BETTER THAN THE USUAL CONDITIONS TO BE FOUND IN THE SUBCONTINENT'S PENAL INSTITUTIONS FOR ALL THOSE CONVINCTED OR ORDINARY CRIMES. TREATMENT VARIES FROM PRISON TO PRISON, OF COURSE, BUT ONE CAN ASSUME THAT CONDITIONS ARE GENERALLY GRIM, SINCE THAT IS THE STANDARD THROUGHOUT THE PENAL SYSTEM HERE IN PAKISTAN. WOMEN TEND TO BE GIVEN PREFERNTIAL TREATMENT, INCLUDING BEING RELEASED OR CONFINED TO THEIR HOMES OR REST HOUSES. PPP ACTIVISTS HAVE, IN FACT, BEEN USING WOMEN AND CHILDREN HEAVILY IN AN EFFORT TO EMBARRASS THE MLA AND LIMIT THE SCOPE OF ITS REPRESSION OF DISSIDENCE. PRISONERS WITH MEANS OBVIOUSLY HAVE GOOD LEGAL ADVICE; THOSE WITHOUT MEANS ROUTINELY DO NOT, IN PAKISTAN AS ELSEWHERE IN THE WORLD.

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